

Bill No. 26-05
Concerning: Stormwater – Drainage and
Runoff
Revised: 10-17-06 Draft No. 8
Introduced: September 6, 2005
Enacted: October 17, 2006
Executive: _____
Effective: March 1, 2007
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Floreen, Praisner, Denis and Subin

AN ACT to:

- (1) require builders of certain residential or accessory structures to submit a plan showing the location of certain drainage facilities;
- (2) require builders of certain residential structures to ~~[[and minimizing]]~~ minimize effects of water runoff on other properties;
- ~~[[(2)]]~~ (3) require a stormwater plan to indicate how the development will minimize stormwater runoff onto adjacent properties; and
- ~~[[(3)]]~~ (4) generally amend laws governing water drainage and runoff.

By amending

Montgomery County Code
Chapter 8, Buildings
~~[[Sections]]~~ Section 8-24 ~~[[and 8-29]]~~

Chapter 19, Erosion, Sediment Control and Storm Water Management
Sections 19-23 and 19-31

By adding

Chapter 8, Buildings
Section 8-29B, Control of water runoff on small lots

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 8-24, ~~[[8-29,]]~~ 19-23, and 19-31 are amended, and Section 8-29B is added, as follows:

8-24. Application for permit.

(f) *Plot diagram.* [There shall also be filed in duplicate with each application] Each applicant for a building or occupancy permit[,] must file 2 copies of a plot plan drawn to scale, showing:

* * *

(5) Front and rear yard widths; [and]

(6) North point and scale of plan[.]; and

(7) [[The]] If the permit is for a new residential building or accessory structure or an addition to an existing residential building, and a storm water management plan has not already been approved for that construction, the location of any existing and proposed drainage structure, including any swale, and the general flow of water, indicated by arrows, to and from each structure. [[The applicant must file a drainage plan with contours for any new construction that would change an existing grade or increase any impervious surface.]]

8-29. Building within floodplain areas and on unsafe land~~[[; control of water runoff]]~~.

* * *

[[c)] A building permit for a residential building or accessory structure that involves clearing, grading, excavation, or construction which is likely to change the flow of water across one or more adjacent properties must require the applicant to minimize any resulting water runoff that is likely to adversely affect any adjacent property.]]

8-29B. Control of water runoff on small lots.

- (a) The Director must not issue a building permit for any detached one- or two-family residential building located on a recorded lot smaller than ~~[[10,000]]~~ 15,000 square feet, or a permit for any addition to such a residential building that would increase the building lot coverage by more than 400 square feet, unless the plans provide for safe conveyance or control of any increased water runoff, resulting from additional impervious area or any other topographic alteration, that would drain onto any adjacent or nearby private property.
- (b) In this Section, *approved drainage system* means any method of safe conveyance from the property or storage on the property of on-site water runoff at the design rate specified in subsection (c), using one or more of the following methods or devices or any other method or device approved by the Director that would provide equivalent or greater protection of adjacent and nearby properties:
- (1) on-site absorption or drainage device, such as rain barrel, cistern with slow release or controlled pump discharge, underground percolation and storage system, rain garden, rooftop garden or detention device, bioretention filter, or vegetation buffer;
 - (2) existing or new drainage facility, such as drainage interceptor, inlet, trench, permeable paved area, or similar feature;
 - (3) drainage line, inlet or pipe, or other engineered feature such as a swale or ditch; or
 - (4) natural topography or buffer area that successfully absorbs water drainage.
- (c) Each approved drainage system must be designed to convey or control at least 1.5 inches of rainfall during a 24-hour period.

(d) After the approved drainage system is installed, the permittee must certify to the Director that the system:

(1) has been installed as provided in the plans approved by the Director; and

(2) will convey or control the water runoff specified in subsection (c) without impacting adjacent or nearby private properties.

(e) The permittee and the permittee's successors in interest must preserve and maintain each approved drainage system to the extent necessary to provide the same level of protection for adjacent and nearby properties. The permittee and the permittee's successors in interest must obtain the Director's approval before materially modifying any element of an approved drainage system. The Director may require a permittee to record an easement in the County land records for any approved drainage system to assure the continued preservation and maintenance of that system.

19-23. Stormwater management plans.

(a) * * *

(1) The plan must indicate how the stormwater management criteria will be applied to each proposed development or redevelopment project. The Department may require a plan to analyze the downstream effects of any proposed development or redevelopment project. The plan must indicate how the development will minimize any interference with or addition to the current flow of water onto adjacent properties. The applicant may include structural and nonstructural stormwater management measures in the plan. The design criteria and methodologies used in developing the plan must be consistent with criteria specified

in the Design Manual and any other criteria established by regulation.

* * *

19-31. Exemptions.

The following development activities are exempt from [the] stormwater management requirements under this Article:

- (a) agricultural land management activities;
- (b) any addition or modification to an existing single family detached residential structure if the addition or modification does not disturb more than 5,000 square feet of land area[], except that any development of a single-family detached residential building or accessory structure that involves clearing, grading, excavation, or construction which is likely to change the flow of water across one or more adjacent properties must submit a plan to minimize any resulting water runoff];

* * *

Sec. 2. Effective date. This Act takes effect on March 1, 2007. County Code Section 8-29B, inserted by Section 1 of this Act, applies to any building for which an application for a building permit is filed on or after that date.

Approved:

George L. Leventhal, President, County Council Date

Approved:

Douglas M. Duncan, County Executive Date

103 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date